

IN THE COURT OF APPEALS OF IOWA

No. 0-331 / 10-0487

Filed May 26, 2010

IN THE INTEREST OF S.J.G.-C.

Minor Child,

B.J.C., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor,
Judge.

A mother appeals the termination of her parental rights, contending that the record lacks clear and convincing evidence to support the grounds for termination cited by the district court. **AFFIRMED.**

Marsha J. Arnold, Davenport, for appellant mother.

John Molyneaux, Davenport, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Michael J. Walton, County Attorney, and Julie A. Walton, Assistant County Attorney, for appellee State.

Penelope Souhrada, Davenport, for minor child.

Considered by Vaitheswaran, P.J., Doyle, J., and Mahan, S.J.* Tabor, J., takes no part.

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

VAITHESWARAN, P.J.

Bridgette appeals the termination of her parental rights to her daughter, born in 2008. She contends the record lacks clear and convincing evidence to support the grounds for termination cited by the district court. One of those grounds, Iowa Code section 232.116(1)(h) (2009), requires proof of several elements, including proof that a child cannot be returned to a parent's custody. On our de novo review, we conclude this ground was satisfied.

The Department of Human Services became involved with Bridgette as a result of her abuse of alcohol, marijuana, and cocaine. Drugs were found in the newborn child's system, and drugs were present in the mother's system through most of 2008.

In the late fall of 2008, the department secured a space for Bridgette and her daughter at a residential substance abuse treatment facility. For four months, Bridgette worked to fulfill the expectations of the facility. Then, with just two months remaining until successful discharge, she relapsed. A month later, she relapsed again, precipitating her termination from the program and the child's removal from her care.

Although Bridgette joined another residential treatment facility shortly thereafter, she actively used alcohol and marijuana and was terminated within a month. She was also terminated from a third treatment program for failure to attend.

At this point, the department had Bridgette re-admitted to the residential treatment facility that she first attended. Bridgette successfully completed that program but did not follow up with the after-care services recommended by the

facility. While she attended another treatment program once a week, the department received information from Bridgette's mother that Bridgette was again using alcohol and cocaine. When a department social worker confronted Bridgette with this information, Bridgette offered to take a drug test. The social worker did not administer the test, stating that, at this stage, termination would have proceeded regardless of the result, based on "other issues."

Those other issues included Bridgette's lack of employment and stable housing and her failure to follow the recommendations of the residential substance abuse facility. The social worker testified, "I believe Bridgette has had several opportunities to do what she's needed to do to provide a safe home for [the child], and I do not believe any more time would be appropriate."

We agree with the social worker's opinion. Bridgette had more than two years to address these issues and she either refused or failed to do so. While the department did not confirm that Bridgette had indeed relapsed, the record suggests that she was in a precarious position around the time of the termination hearing. For example, Bridgette acknowledged she had periodically been staying with a brother who was recently involved in a raid that netted large quantities of drugs. She also acknowledged that she had not identified any other relatives with whom she could stay until she found her own appropriate home. The absence of adequate housing precluded overnight visitation with her daughter and precluded the return of her child to her custody.

In reaching this conclusion, we recognize that Bridgette shared a close bond with her daughter and appropriately parented her during the fully supervised visits. However, all concerned, including the guardian ad litem,

questioned whether Bridgette could keep the child safe in an unsupervised setting. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010) (noting safety of the child is a primary concern). For this reason, we affirm the termination of Bridgette's parental rights to her daughter, born in 2008.

AFFIRMED.